

REMARKS

Claims 1 to 8 and 12 are in the application.

With respect to the objection to the specification, the Examiner will note that references to the claims have been removed. In addition, the specification has been provided with appropriate headings.

Concerning the rejection of the claims under 35 U.S.C 112, second paragraph, the Examiner will note that claim 1 has been amended to make it clear that the moveable roof frame is part of the supporting structure.

Also, claim 4 has been revised to overcome the objection.

Applicant has noted that the Examiner has indicated that, if claim 1 is found to be allowable, claim 12 will be objected to under double patenting.

With respect to claim 12, it is submitted that claim 12 is a proper dependent claim because it sets forth the fact that the individual, separate exterior parts are attachable to the supporting structure.

With respect to the drawings, the Examiner will note that the feature referred to in the Office Action has been removed from claim 1.

Reconsideration and withdrawal of the rejection of the claims under U.S.C. 103(a) as being unpatentable over Klein in view of any of Reinsch, Kloppe et al and Kano et al, are respectfully requested.

Applicant submits that the references relied on by the Examiner do not disclose or suggest the present invention as claimed.

With respect to the reference to Klein, Applicant points out that, contrary to the position taken by the Examiner, the lateral frame parts (9,10) are not "mounted on a roof frame", but they themselves form the "roof frame", as indicated in

column four, line two: "the carrying bow construction (9,10)...", which, in turn, serves for tightening a fabric covering ("...tensions the fabric covering 14").

Accordingly, it appears that in the reference the outer parts (9,10) are not even "exposed", visible from the outside, but are covered by the covering (14). It is only then correct to speak with respect to the front roof part (4) of a "soft top part", as appears in column three, line two.

Consequently, it is submitted that the interpretation of the reference to Klein in the Office Action is not correct. The reference does not show any roof areas which would make it necessary to paint them, and the reference does not show any rigid lining parts placed on the frame. Consequently, those skilled in the art which deals with painting questions of moveable roofs cannot find any solutions concerning the problem to be solved by the present invention.

The reference to Reinsch has been discussed in the previous response and the comments concerning this reference are incorporated herein by reference.

As mentioned, the reference to Reinsch does not show two roof parts (3,4); rather, in this reference a folding roof is to be movably guided between the outer side posts on guide rails. However, such a pure displacement is only possible if the roof can be rolled up like a shade. It is not possible to have individual ridged roof parts which can be folded relative to each other.

The reference to Reinsch does not show two roof parts (3,4), wherein a folding roof is movably guided in guide rails between the outer side posts. Such a pure displacement is only possible if the roof can be rolled up like a shade. Individual roof parts which are ridged and can be folded cannot be constructed.

The reference to Reinsch also does not disclose any relation to coloring the roof parts with "painted areas". Such blinds are frequently black independently of the color of the vehicle. The reference does not contain any hint concerning the color of these roof parts. In any event, the outer covering (13), which is not discussed in the reference, is not a component of the roof parts guided between the side posts.

Since the reference to Reinsch does not disclose any colored areas, the reference also does not have painted areas which would be "formed by individual, separate exterior parts". Since the outer side posts (10) are never a component of moveable roof parts, but rather remain unmoved during the movement of the roof in the guide rails, this feature would not be anticipated even if one were to read a coloration of the outer lining parts (13) into the reference to Reinsch.

The reference to Reinsch also does not disclose or suggest a frame which is moved together with the roof parts and which supports the frame through its movement. The side posts shown in the reference are located laterally outside of the moveable parts of the roof.

The reference to Kloppe does not deal with a convertible vehicle, but rather with a closed vehicle. Any painting problems concerning the separate painting of roofs as a result of problems concerning the vehicle body cannot occur.

The reference to Kloppe also does not provide any indication concerning the coloration of the added-on covering parts (12) seen in Fig. 4. The outer covering (12) is certainly

not a component of a moveable roof.

In addition to not showing colored areas, the reference to Kloppe also does not have painted areas which are "formed by individual, separate exterior parts". Since the outer covering (12) is always not a component of moveable roof parts, but is held at a fixed component of the vehicle body and, thus, is itself immovable, this feature is not anticipated even if a coloration of the outer covering areas (12) could be read into Kloppe. However, in the case of such narrow ledges, for example, rain gutters, the windows remain black above the window paints in order to ensure that the window stays black or at least is not adjusted to the respective paint of the vehicle.

The reference to Kloppe also does not disclose a supporting frame which is moved together with the roof parts. This is because there are no moveable parts.

The reference to Kano does not deal with a convertible vehicle, but rather again with a closed vehicle. Any painting problems relative to the vehicle body separately of roofs to be painted do not occur in this reference.

The reference to Kano also does not disclose the coloration of covering parts (13), as seen in Fig. 2, for example. The outer covering (12) is certainly not component of a moveable roof. As already mentioned above, it is absolutely possible in connection with narrow ledges above window paints (e.g. rain gutters or roof rails), it is common that these items remain black or silver and are not adapted to the respective paint of the vehicle.

Since the reference to Kano does not disclose colored areas, the reference does not show painted areas, "formed by individual, separate exterior parts". Since the outer covering parts (13) are always not a component of moveable roof parts, but rather are held by a solid component of the vehicle body and are consequently themselves removable, this feature would not be anticipated even if a coloration of the outer covering parts (12) were to be read into the reference to Kano.

The reference to Kano also does not disclose a frame which supports the reference in its movements and the movements of the roof parts. This feature cannot be found in the reference because this reference does not have parts of a roof which are movable.

When combining the references, Applicant submits that the resulting convertibles would be constructed with added-on separate exterior parts. Since only Klein is showing a convertible roof, however, with a frame which is engaged by a lining or covering, the remaining reference also cannot disclose or suggest the present invention as claimed. It would not be obvious to require a lining as is the case in Reinsch on the lateral frames (9,10) on which a covering has been placed. This could not be made to operate because of the relative positions of the components. Consequently, none of the references shows a convertible roof with any painted areas. Only Klein shows a moveable convertible roof which, however, is provided with a soft top area and is not painted. Also, a combination of Klein with any of the other references cannot provide any suggestions for optimizing the coloration of roofs which are moveable and, therefore, must be colored separately from the vehicle body. None of the additional references provide any indication concerning a coloration.

Since the references all do not have painted areas, and especially not painted areas formed by individual, separate exterior parts, there are not to be colored because the outer

frame both are covered in Klein, these areas do not have to be colored; even in any of the other references, the outer covering parts illustrated in the references are not component of movable roof parts, but are immovable.

In order to arrive at the position of anticipation of the invention by the references, it would be necessary to place one of the covering parts through the lining (14) at Klein and onto the frame part (9,10) and additionally to paint the part. Both references according to the present invention as claimed are not disclosed or suggested by any of the references relied on by the Examiner.

While the reference to Klein does disclose a movable frame, this frame is not moved together with rigid and separate roof parts and, as a result, cannot support the movement thereof. The reference merely shows a common covering (14) which is connected to the folding frame (9,10).

Consequently, a combination of the references also does not suggest or disclose the present invention as claimed.

The independent claim of the application has been amended to include the fact that the at least two roof parts are separate from each other and are rigid. These features are disclosed in the original application and, therefore, no new matter has been added.

Therefore, in view of the foregoing it is submitted that this application is now in condition for allowance.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on September 8, 2008.

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